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comply with its regulation. And according to a great canonist, Cardinal Gasparri, this penalty may be justly extended even to the point "of depriving the guilty ones of the civil effects of the marriage."¹⁵

The relatively new feature of this epoch-making codification of the Canon law is rather the spirit in which it is made; and this has fundamentally affected the Code as promulgated.¹⁶ The dogmatic and strictly autocratic government of the Church finds in this Code its best expression; in it the last survivals of Gallicanism, Febronianism and Josephism which affected so deeply the whole ecclesiastical legislation during the seventeenth and eighteenth centuries, reviving or shaping anew doctrines which had been formulated by the great Caesarean jurists of the middle ages, are completely swept away. Never before has the Church had the opportunity of doing this without paying a penalty for it. Difficult entanglements with the various governments, concordats with dynasties and nations, and territorial interests in connection with their temporal power, compelled the popes to carry out a policy of continuous compromises, in which many fundamental principles of canon law were sacrificed. The fall of temporal power, and the separation of Church and State, has given back to the Church its freedom in the realm of strictly ecclesiastical legislation, and Rome is making a good use of such freedom, in order to bring about that strong centralization of power which is the logical implication of its assumed divine right and its autocratic constitution.

GEORGE LA PIANA.

A SELECTION OF CASES ON THE LAW OF DOMESTIC RELATIONS AND PERSONS.

By Edwin H. Woodruff. 3d edition, revised and enlarged. New York: Baker, Voorhis & Company. 1920. pp. xviii, 753.

This book is a new edition of Professor Woodruff's well-known case book on Domestic Relations. The editor states in his preface¹ that he has omitted or reduced to notes thirty-two cases which appeared in previous editions, while forty-four new cases have been added. Among these new cases which are of interest may be mentioned that of *Thompson v. Thompson*,² in which a New Jersey court declined to give credit to a New York decree granting a separation, because the husband, a non-resident of New York, had been served only by publication. Many new notes have also been added by Professor Woodruff.

The most interesting question concerning the book is whether it would not have been better if it had contained fewer topics, and at the same time had given on each topic a greater number of cases. It was the opinion of the late Professor John Chipman Gray, "that a collection of cases should not attempt to cover too much ground, but that the cases should be multiplied on the crucial topics."³ He further adds: "A single case on a subject has little advantage over a text-book. It is only by presenting a doctrine in many aspects that the best results can be reached."⁴ Most teachers using the case system of instruction will probably agree with the foregoing statements. Indeed, the fundamental difference between the case system of instruction and the text-book system is the emphasis placed by the former on the importance of training in legal reasoning as opposed to the acquisition of mere legal information; and training

¹⁵ *TRACTATUS CANONICUS DE MATRIMONIO* (Paris, 1891), p. 280.

¹⁶ *Cf. ULRICH STUTZ, DER GEIST DES CODEX JURIS CANONICI.* Stuttgart. 1918.

¹ See p. iii.

² 89 N. J. Eq. 70, 103 Atl. 856 (1918); WOODRUFF, *CASES ON DOMESTIC RELATIONS*, 3d ed., 339.

³ See I GRAY, *CASES ON PROPERTY*, ed., "Preface to the Second Edition."

⁴ *Ibid.*

in legal reasoning is best given by teaching the student to distinguish the differences between several cases bearing on the same or similar points, where the cases require of the student close attention and nice discrimination. If the student on a given point of law merely reads one case which contains a learned disquisition on the various aspects of the law affecting similar cases, he may acquire considerable information, but will get little or no training in applying his information to different states of fact.

Nevertheless, every teacher of Domestic Relations whose course is confined to the ordinary time given to this subject (two hours per week for one half-year) must feel that his time is brief indeed to deal with the many topics which can be included under this title. Professor Jeremiah Smith in his "Cases on Persons" tried to cut the Gordian knot by including in his case book only the topics "Parent and Child," "Infant," and "Husband and Wife." Professor Woodruff, feeling, and perhaps justly, that such a treatment of the subject of Domestic Relations is inadequate, has added the topics of "Marriage," "Divorce and Separation," "Insanity," "Drunkenness," and "Aliens." In a case book of reasonable size, however, the greater the number of topics treated the less the space that can be given to each topic. As a result, while in Smith's "Cases on Persons" we find 202 pages allotted to Infancy,⁵ Professor Woodruff assigns only 143 pages to this topic,⁶ and this, too, although the average page in his book is ten lines shorter than the average page in the case book of Professor Smith. In consequence of this compression, there is not infrequently in Professor Woodruff's case book only a single case on a given point, and the value of training that comes from contrasting different cases bearing on the same point is lost.

In spite of all this, something is to be said in favor of Professor Woodruff's briefer treatment of each individual topic. Admitting that training in legal reasoning is the chief goal of legal study, is it necessary that every course in a law school should stress the idea of such training, even if obtained at the complete sacrifice of information on essential topics? Is it well to send out the student of law with a thorough training in the law of "Infancy" and "Husband and Wife," while he is wallowing in complete ignorance of the law of "Marriage and Divorce"? Where the course has only a brief time allotted to it, might it not be well to inform the student a little more, even if we train him a little less? This is certainly a debatable question.

Some of the cases in the book seem to contain a slight treatment of the point involved. Thus, instead of the classic and highly disciplinary case of *Zouch v. Parsons*,⁷ which decided that an infant can repudiate a feoffment only after attaining his majority, we find the very thin case of *Welch v. Bunce*⁸ on the same point. Here we have space gained but quality sacrificed.

The notes in the book are worthy of the highest praise. In preparing these, very little that is of value in the way of collateral reading has escaped the editor's watchful eye. Student and teacher alike will find them of the greatest service. Indeed, no teacher of the subject of Domestic Relations ought to be without Professor Woodruff's case book, whether he uses it in the classroom or not, so valuable is the material there collected. Moreover, if a teacher prefers a case book which covers the subject with reasonable completeness but not in too great detail, no better book can be found. The book everywhere bears the marks of scholarly research, of painstaking care, and of a laborious compression of each topic to the end that every essential topic be treated.

RALPH W. GIFFORD.

⁵ See SMITH, CASES ON PERSONS, 131-333.

⁶ See WOODRUFF, CASES ON DOMESTIC RELATIONS, 3 ed., 483-626.

⁷ 3 Burr. 1794 (1765); SMITH, CASES ON PERSONS, 153.

⁸ 83 Ind. 382 (1882); WOODRUFF, CASES ON DOMESTIC RELATIONS, 494.